

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LEON SMITH,

Plaintiff,

v.

9:10-CV-1247

TAMARA CAREY, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

LEON SMITH
P.O. Box 462
Clark Mills, New York 13321
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
The Capitol
Albany, NY 12224-0341
Counsel for Defendants

MICHAEL G. MCCARTIN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Therese Wiley Dancks, duly filed on the 28th day of December 2012. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' motion for summary judgment is granted.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: January 22, 2013
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge